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SENATE BILL 537

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

INTRODUCED BY

Cynthia Nava

AN ACT

RELATING TO HIGHER EDUCATION; CREATING THE STUDENTS WITH
DISABILITIES SCHOLARSHIP ACT; PROVIDING POWERS AND DUTIES;
CREATING A FUND.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. SHORT TITLE.--This act may be cited as the
"Students with Disabilities Scholarship Act".

Section 2. PURPOSE OF ACT.--The purpose of the Students
with Disabilities Scholarship Act is to increase undergraduate
enrollment of students with disabilities by establishing a
scholarship program for those students in New Mexico's public
post-secondary educational institutions.

Section 3. DEFINITIONS.--As used in the Students with
Disabilities Scholarship Act:

A. "award recipient" means a student with

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1 disabilities who receives an undergraduate scholarship;

2 B. "department" means the higher education
3 department;

4 C. "secretary" means secretary of higher education;
5 and

6 D. "student with disabilities" means a student who
7 has a record of a physical or mental condition that
8 substantially limits one or more major life activities,
9 including attention deficit disorder or other specific learning
10 disabilities that the department recognizes as disabilities.

11 Section 4. CONDITIONS FOR ELIGIBILITY AND QUALIFICATION--
12 AWARDS.--

13 A. The department shall administer the Students
14 with Disabilities Act and shall promulgate rules to carry out
15 the provisions of that act.

16 B. A student with disabilities may be awarded a
17 scholarship pursuant to the Students with Disabilities Act if
18 the student:

19 (1) is a resident of New Mexico for the
20 purpose of tuition payment;

21 (2) has not earned a baccalaureate degree and
22 is enrolled or will be enrolled at least half time in a degree
23 program in a public post-secondary educational institution in
24 New Mexico at the time the scholarship is awarded;

25 (3) has not received or is not eligible for

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1 financial assistance from the division of vocational
2 rehabilitation; and

3 (4) has complied with other rules promulgated
4 by the department to carry out the provisions of that act.

5 C. The department shall allocate money to public
6 post-secondary educational institutions for scholarships for
7 qualified students with disabilities based on the percentage of
8 the institution's students classified as students with
9 disabilities.

10 D. Public post-secondary educational institutions
11 shall make awards to qualifying students in an amount not to
12 exceed one thousand dollars (\$1,000) per semester as determined
13 by rule of the department; provided that an award shall not
14 exceed the actual cost of educational expenses.

15 E. Money for an awarded scholarship shall be placed
16 in an account at the public post-secondary educational
17 institution in the name of the student, and the money may be
18 drawn upon to pay educational expenses charged by the
19 institution, including tuition, fees, books and course
20 supplies.

21 Section 5. DURATION OF SCHOLARSHIP.--Each scholarship is
22 for a period of one semester. A scholarship may be renewed,
23 provided the award recipient continues to meet the conditions
24 of eligibility, until the award recipient has graduated from an
25 eligible four-year public post-secondary educational

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1 institution.

2 Section 6. TERMINATION OF SCHOLARSHIP.--A scholarship is
3 terminated upon occurrence of one or more of the following:

4 A. withdrawal of the award recipient from the
5 public post-secondary educational institution or failure to
6 remain as at least a half-time student;

7 B. failure of the award recipient to achieve
8 satisfactory academic progress; or

9 C. substantial noncompliance by the award recipient
10 with the Students with Disabilities Scholarship Act or the
11 rules promulgated pursuant to that act.

12 Section 7. FUND CREATED.--The "students with disabilities
13 scholarship fund" is created as a nonreverting fund in the
14 state treasury. The fund consists of appropriations, gifts,
15 grants, donations and income from investment of the fund. The
16 department shall administer the fund and, subject to
17 appropriation by the legislature, shall provide scholarships to
18 students with disabilities as provided in the Students with
19 Disabilities Scholarship Act. Expenditures from the fund shall
20 be by warrant of the secretary of finance and administration
21 pursuant to vouchers signed by the secretary or the secretary's
22 authorized representative.

23 Section 8. REPORT.--

24 A. Each public post-secondary educational
25 institution shall submit an annual students with disabilities

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1 scholarship report to the department that includes information
2 required by the department.

3 B. The department and public post-secondary
4 educational institutions shall cooperate in data collection and
5 data sharing and for other matters necessary to carry out the
6 provisions of the Students with Disabilities Scholarship Act.